

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.4773 OF 2003

Dr.Murlidhar Dattatray Warunjikar ...Petitioners
Vs.
State of Maharashtra & Ors. ...Respondents

Mr.Uday Warunjikar for Petitioners
Mrs. S.S. Bhende, A.G.P. for Respondent No.1 & 2
Mr.P.B.Shah for Respondent No.3

**CORAM: H.L.GOKHALE &
SMT.R.S.DALVI, JJ.
DATED: 23RD JUNE, 2005**

P.C.

1. Heard Mr. Warunjikar in support of this Petition. Mrs. Bhende, A.G.P. appears for Respondent Nos.1 and 2. Mr.P.B.Shah appears for Respondent No.3 Satara Municipal Council. The Petitioners are contending that their property bearing Survey No.215 was reserved way back in the year 1977 for a public purpose. They sent a Notice under Section 127 of M.R.T.P. Act that 10 years have passed thereafter and yet the property was not acquired. Since the statutory period of six months as per Section 127 of M.R.T.P. Act is over thereafter, it is submitted that the land will have to be released.

2. A reply affidavit has been filed by the Assistant Director of Town Planning Satara and it has been stated therein that only zoning was done in 1977 and the land was reserved for a public purpose. There was no specific plan made at that time. Section 127 requires a plan to be made and the property has to be

covered thereunder and in which case, if it was not developed accordingly in ten years, the remedy under Section 127 would be available to the property owner, and not otherwise. The revised development plan for Satara is sanctioned by Government only on 15th September, 2001 and it came into force on 1st November, 2001. What we find is that, Petitioner is mixing up the issue of zoning and preparation of plan. This being so, the purchase notice is premature. Petition cannot be entertained anymore.

. The Petition is dismissed accordingly.

(H.L.GOKHALE, J.)

(SMT.R.S.DALVI, J.)